

**United States Bankruptcy Court  
Northern District of Illinois, Eastern Division**

IN RE: Ryan A Smith	)	Chapter 13
	)	Case No. 16 B 33873
Debtor(s)	)	Judge Deborah L. Thorne

**Notice of Motion/Certificate of Service**

Ryan A Smith  
3831 N Fremont Apt 111  
Chicago, IL 60613

Debtor Attorney: Cutler & Associates Ltd  
via Clerk's ECF noticing procedures

On July 31, 2019 at 9:00AM, I will appear at the location listed to the right, and present this motion, a copy which is hereby served upon you.

- > Dirksen Federal Building
- > 219 South Dearborn
- > Courtroom 613
- > Chicago, IL 60604

I certify under penalty of perjury that this office caused a copy of this notice to be delivered to the persons named above by U.S. mail or by the methods indicated on or before Saturday, June 29, 2019.

/s/ MARILYN O. MARSHALL  
MARILYN O. MARSHALL, TRUSTEE

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**Motion to Dismiss for Material Default**

Comes now Marilyn O. Marshall, Standing Trustee, and requests that this case be dismissed pursuant to 11 U.S.C. §1307(c), and in support thereof respectfully states the following:

1. The Debtor filed for Chapter 13 relief on October 24, 2016.
2. The Debtor's plan was Confirmed on January 9, 2017.
3. The Debtor's confirmed plan requires the debtor to submit tax returns and refunds to the Trustee starting with tax year 2016. The debtor has failed to tender 2018 taxes.
4. The Debtor has failed to tender either the tax return or refund.
5. The failure to tender the tax return and refund constitutes a material default of the Debtor's confirmed plan.

WHEREFORE, the Trustee prays that this case be dismissed, and for any and all other relief this Court deems just and proper.

Office of the Chapter 13 Trustee  
224 S Michigan Ave  
Ste 800  
Chicago, IL 60604  
(312) 431-1300

/s/ MARILYN O. MARSHALL  
MARILYN O. MARSHALL, TRUSTEE

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